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COMMISSION ON HUMAN RIGHTS
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REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED:

REVIEW OF ISSUES NOT PREVIOUSLY THE SUBJECT OF STUDIES BUT WHICH THE SUB-COMMISSION HAS DECIDED TO EXAMINE:

INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE

Report of the Secretary-General submitted pursuant to
Sub-Commission resolution 1996/16

Addendum

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Introduction

1. The present note contains additional replies received from Governments after the publication of the report by the Secretary-General on the subject (E/CN.4/Sub.2/1997/27).

2. As at 4 July 1997, such replies had been received from the Governments of Cuba, the Philippines and Trinidad and Tobago.

Cuba

[Original: Spanish]
[25 June 1997]

1. With regard to paragraph 2 of resolution 1996/16, the Government of Cuba believes it appropriate to point out the following criteria and considerations:

Nuclear weapons

2. In the Final Document of the first special session of the General Assembly devoted to disarmament and in numerous other United Nations documents, the international community has recognized that the very survival of humankind depends on the elimination of all nuclear weapons from the face of the earth. For Cuba, this continues to be of the highest priority in the multilateral disarmament process.

3. The uniqueness of nuclear weapons, including weapons of mass destruction, was clearly explained in the dissenting opinion of Judge Weeramantry, who referred to the damage caused by these weapons during consideration by the International Court of Justice of the legality of the threat or use of nuclear weapons (A/51/218 of 19 July 1996). The reasons cited in the opinion to demonstrate the unique character of nuclear weapons are as follows:

(a) Cause death and destruction;

(b) Induce cancers, leukaemia, keloids and related afflictions;

(c) Cause gastrointestinal, cardiovascular and related afflictions;

(d) Continue for decades after their use to induce the health-related problems mentioned above;

(e) Damage the environmental rights of future generations;

(f) Cause congenital deformities, mental retardation and genetic damage;

(g) Carry the potential to cause a nuclear winter;

(h) Contaminate and destroy the food chain;

(i) Imperil the ecosystem;

(j) Produce lethal levels of heat and blast;

(k) Produce radiation and radioactive fall-out;

(l) Produce a disruptive electromagnetic pulse;

(m) Produce social disintegration;

(n) Imperil all civilization;

(o) Threaten human survival;

(p) Wreak cultural devastation;

(q) Span a time range of thousands of years;

(r) Threaten all life on the planet;

(s) Irreversibly damage the rights of future generations;

(t) Exterminate civilian populations;

(u) Damage neighbouring States;

(v) Produce psychological stress and fear syndromes;

as no other weapons do.

4. For several years in succession the General Assembly of the United Nations has been adopting resolutions emphasizing the priority of nuclear disarmament and the need to begin multilateral negotiations to that end.

5. In the Conference on Disarmament, which is the only multilateral negotiating forum on disarmament, the "Group of 21" has insisted on the need for establishing an ad hoc committee on nuclear disarmament with a negotiating mandate. In August 1996, 28 delegations of the Conference on Disarmament, including Cuba, officially presented that body with a proposal for a Programme of Action for the Elimination of Nuclear Weapons. This proposal contains concrete measures grouped into three stages, which would make the elimination of nuclear weapons possible within just over 20 years. This proposal could serve as a basis for the work of the ad hoc committee of the Conference on Disarmament to deal with the topic.

Chemical and biological weapons

6. Considering the destructive potential of such weapons, their prohibition and total elimination must also constitute one of the priority objectives of

the international community. In order to guarantee that objective, Cuba believes it is vital to secure the effective implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention), once it enters into force on 29 April 1997. That implementation will require:

(a) Securing the universal ratification of the Convention, including in particular by the chemical weapons-producing countries, as well as by those possessing the industrial capacity to produce them, without exception. The non-adherence by the two declared chemical weapons-producing States would dramatically alter the character of the Convention as an instrument of disarmament;

(b) As provided for by the Convention, once the period established for the destruction of chemical weapons has expired, no State party may be allowed to store such weapons;

(c) The application of measures aimed at restricting international trade in chemical substances, particularly those based on political considerations contrary to the letter and spirit of the Convention, should be abandoned.

7. With regard to biological weapons, Cuba believes that strict observance of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction is fundamental for international peace and security. To increase the application and effectiveness of the Convention and strengthen its authority even further, it is important among other things to broaden international participation in confidence-building measures and the procedures for consultations agreed upon at the Second and Third Review Conferences of the Convention. Likewise, one of the major tasks now facing the States parties to the Convention must be the elaboration of an effective verification system for this legal instrument based on widely accepted principles of multilateral verification, including site inspections.

8. The reaffirmation contained in the Final Document of the Fourth Review Conference is of special importance to Cuba, in that the use by States parties, in any way and under any circumstances, of microbial or other biological agents or toxins that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of article I of the Convention.

9. In reference to the other types of weapons mentioned in paragraph 2 (a) of resolution 1996/16, the Cuban position takes very much into account the principle of international law according to which the right of the parties to an armed conflict to choose the methods or means of waging war is not limitless, nor is the principle prohibiting the use in armed conflicts of weapons, projectiles, materials and methods for waging war such as would

cause superfluous damage or unnecessary suffering. The greatest possible protection of the civilian population against the effects of hostilities must be a major objective, to be guaranteed at all times.

Conclusions

10. The elimination of nuclear and other weapons, although it would certainly have an undeniable importance, will not in and of itself resolve all the current threats to life, physical security and other human rights, which have their deepest roots in the structure of society and the current international order. It will require the organization of a new system of international security, based on demilitarization and the non-use or threat of force in international relations and on respect for the sovereignty and territorial integrity of States; a system in which aggression and war are banished, so that we may all live together in peace, as good neighbours.

11. As Mr. M. Dubey, former Foreign Secretary of India, wrote ("The Only Alternative is the Elimination of Nuclear Weapons", Disarmament, vol. XVII, No. 2/1994), a new security system should be genuinely multilateral, at both the regional and global levels, and the United Nations should be the centrepiece of that architecture. Such a system should also be capable of dealing with both military and non-military aspects of security, including the establishment of an equitable and just international economic order.

Philippines

[Original: English]
[4 June 1997]

1. The Philippines has always been supportive, in the recognition of international peace and security, to realize the full potentials of humankind, regardless of colour, age, gender, creed and religion, through the full protection of the law. These principles are translated in the ideals and aspirations of the people found in the preamble to the Philippine Constitution:

> "We, the sovereign Filipino people, imploring the aid of Almighty God, in order to build a just and humane society and establish a Government that shall embody our ideals, and aspirations, promote the common good, conserve and develop our patrimony and secure to ourselves and our posterity the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality, and peace, do ordain and promulgate this Constitution."

2. However, these aspirations and ideals need to be protected by laws the most fundamental of which is the right to life. Article III, section 1, of the Philippine Bill of Rights states:

> "No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of laws."

3. In war and armed conflict the State is ready to protect such rights as provided for in article II, section 2, of which states:

> "The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity of all nations."

4. This position is further translated in international affairs as the Philippine Government adheres to the international humanitarian law of protecting the right to life and recognizing an international law and order to fully realize all human aspirations and ideals. The Philippines is a party to the International Bill of Human Rights to promote and encourage respect for human rights and to affirm the Philippines' faith in the principles of the International Bill of Human Rights and other relevant international instruments. To date, the Philippines is a State party to instruments of the non-proliferation regime to promote international peace and security, namely: the Nuclear Non-Proliferation Treaty (NPT); the Chemical Weapons Convention; the Inhumane Weapons Convention; and the yet to be ratified comprehensive test-ban treaty.

5. The Philippines adheres likewise to the State's declaration against nuclear weapons as stated in article II, section 8, of the Constitution: "The Philippines, consistent with the national interest, adopts and pursues a policy of freedom from nuclear weapons in its territory."

6. The cold war era saw the predominance of a strategic defence initiative policy between superpowers, the United States and the former Soviet Union, wherein nuclear deterrence translated into an arms race. It has not been too long since the two superpowers realized the inefficacy of a "minimum deterrence" presupposing an acceptance of nuclear biological and chemical weapons and the possibility of mutual annihilation. It did not take too long before the United States and the former Soviet Union realized the inefficacy of such a defence policy, not so much out of fear of each other's arms supremacy but out of fear created by the existence of "nuclear States" and, subsequently, a real threat of a nuclear war.

7. A nuclear war never occurred, but the events in Nagasaki and Hiroshima need not be duplicated to convince us how large and complex the cost to humankind in terms of life and property a nuclear holocaust would be. In the Lao People's Democratic Republic and Cambodia, the consequential and cumulative effects of a nucealr war cannot be ignored relative to damage to life, property, and the human rights to peace and physical security.

8. Thus, in the post-cold war era, the strategic defence initiative or "minimum deterrence" approach has been replaced by alternatives, looking at security in a comprehensive sense. Security depends on a collective security such that the security of one means the security of the other. This paved the way to military and non-military approaches to security: peace and security seen not only from a military standpoint but also from that of various disciplines, i.e. technological, legal, economic, political, psychological, religious and environmental.

9. With the foregoing perspective, the Philippines adheres to peaceful, non-military approaches to conflict and renounces the use of nuclear and chemical weapons, fuel-air bombs, napalm, cluster bombs and biological weaponry containing depleted uranium.

Trinidad and Tobago

[Original: English]
[13 June 1997]

1. The Ministry of National Security supports Sub-Commission resolution 1996/16 on "International peace and security as an essential condition for the enjoyment of human rights, above all the right to life."

2. The Trinidad and Tobago Defence Force is not in possession of any weapons of aerial delivery or nuclear, chemical or biological weaponry, nor does it intend to acquire weapons of mass destruction in the future. Additionally, the Trinidad and Tobago Defence Force has not detected the use of these weapons in or near to the sovereign territory of Trinidad and Tobago.

3. The Ministry also supports the recommendation that any nation in possession of weapons of aerial delivery or nuclear, chemical or biological weaponry should be encouraged to dispose of them in the interest of all humanity as they constitute a serious danger to our planet.